

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Diane M. Doolittle (CA Bar No. 142046)
dianedoolittle@quinnemanuel.com
Sara Jenkins (CA Bar No. 230097)
sarajenkins@quinnemanuel.com
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

Andrew H. Schapiro (admitted *pro hac vice*)
andrewschapiro@quinnemanuel.com
Teuta Fani (admitted *pro hac vice*)
teutafani@quinnemanuel.com
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
Telephone: (312) 705-7400
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)
stephenbroome@quinnemanuel.com
Viola Trebicka (CA Bar No. 269526)
violatrebicka@quinnemanuel.com
Marie Hayrapetian (CA Bar No. 315797)
mariehayrapetian@quinnemanuel.com
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Josef Ansorge (admitted *pro hac vice*)
josefansorge@quinnemanuel.com
Xi (“Tracy”) Gao (CA Bar No. 326266)
tracygao@quinnemanuel.com
Carl Spilly (admitted *pro hac vice*)
carlspilly@quinnemanuel.com
1300 I Street NW, Suite 900
Washington D.C., 20005
Telephone: (202) 538-8000
Facsimile: (202) 538-8100

Jomaire Crawford (admitted *pro hac vice*)
jomairecrawford@quinnemanuel.com
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Jonathan Tse (CA Bar No. 305468)
jonathantse@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Counsel for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE LLC’S ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
GOOGLE LLC’S ADMINISTRATIVE
MOTION UPDATING THE COURT ON
ITS PRESERVATION
IMPLEMENTATION EFFORTS AND
SEEKING RELIEF FROM THE JULY 30
DEADLINE IMPOSED BY THE JULY 15,
2022 PRESERVATION ORDER (DKT. 630)**

Referral: Hon. Susan van Keulen, USMJ

I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5, Defendant Google LLC (“Google”) respectfully seeks to seal the following portions of Google LLC’s Administrative Motion Updating the Court on its Preservation Implementation Efforts and Seeking Relief from the July 30 Deadline Imposed by the July 15, 2022 Preservation Order (Dkt. 630) (“Motion”), which contain Google’s confidential and proprietary information, including details related to Google’s internal projects, data signals, and logs, and their proprietary functionalities. This information is highly confidential and should be protected.

This Administrative Motion pertains to the following information contained in the Motion:

Documents Sought to Be Sealed	Portions to be Filed Under Seal	Party Claiming Confidentiality
Google LLC’s Administrative Motion Updating the Court on its Preservation Implementation Efforts and Seeking Relief from the July 30 Deadline Imposed by the July 15, 2022 Preservation Order (Dkt. 630)	Portions Highlighted at: Pages 1:16-24, 2:2-7, 2:10-19	Google
Declaration of Benjamin Kornacki ISO Google LLC’s Administrative Motion	Portions Highlighted at: Pages 1:22, 1:26-27, 2:1-6, 2:8, 2:10-24, 3:6-12, 3:15, 3:17	Google

II. LEGAL STANDARD

The common law right of public access to judicial records in a civil case is not a constitutional right and it is “not absolute.” *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978) (noting that the “right to inspect and copy judicial records is not absolute” and that “courts have refused to permit their files to serve as reservoirs of . . . sources of business information that might harm a litigant’s competitive standing”). Sealing is appropriate when the information at issue constitutes “competitively sensitive information,” such as “confidential research, development, or commercial information.” *France Telecom S.A. v. Marvell Semiconductor Inc.*, 2014 WL 4965995, at *4 (N.D. Cal. Oct. 3, 2014); *see also Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (acknowledging courts’ “broad latitude” to “prevent disclosure of materials for many types of

1 information, including, but not limited to, trade secrets or other confidential research, development, or
 2 commercial information”).

3 **III. THE ABOVE IDENTIFIED MATERIALS SHOULD ALL BE SEALED**

4 Courts have repeatedly found it appropriate to seal documents that contain medical
 5 information or “business information that might harm a litigant’s competitive standing.” *Nixon*, 435
 6 U.S. at 589-99; *see also Turner v. United States*, 2019 WL 4732143, at *9 (finding good cause to seal
 7 “confidential medical information”). Good cause to seal is shown when a party seeks to seal materials
 8 that “contain[] confidential information about the operation of [the party’s] products and that public
 9 disclosure could harm [the party] by disclosing confidential technical information.” *Digital Reg. of*
 10 *Texas, LLC v. Adobe Sys., Inc.*, 2014 WL 6986068, at *1 (N.D. Cal. Dec. 10, 2014). Materials that
 11 could harm a litigant’s competitive standing may be sealed even under the “compelling reasons”
 12 standard. *See e.g., Icon-IP Pty Ltd. v. Specialized Bicycle Components, Inc.*, 2015 WL 984121, at *2
 13 (N.D. Cal. Mar. 4, 2015) (information “is appropriately sealable under the ‘compelling reasons’
 14 standard where that information could be used to the company’s competitive disadvantage”) (citation
 15 omitted).

16 Here, the Motion comprises confidential information regarding highly sensitive features of
 17 Google’s internal systems and operations that Google does not share publicly. Specifically, this
 18 information provides details related to Google’s internal projects, data signals, and logs, and their
 19 proprietary functionalities. Such information reveals Google’s internal strategies, system designs, and
 20 business practices for operating and maintaining many of its important services while complying with
 21 legal and privacy obligations.

22 Public disclosure of the above-listed information would harm Google’s competitive standing it
 23 has earned through years of innovation and careful deliberation, by revealing sensitive aspects of
 24 Google’s proprietary systems, strategies, designs, and practices to Google’s competitors. That alone is
 25 a proper basis to seal such information. *See, e.g., Free Range Content, Inc. v. Google Inc.*, No. 14-cv-
 26 02329-BLF, Dkt. No. 192, at 3-9 (N.D. Cal. May 3, 2017) (granting Google’s motion to seal certain
 27 sensitive business information related to Google’s processes and policies to ensure the integrity and
 28 security of a different advertising system); *Huawei Techs., Co. v. Samsung Elecs. Co.*, No. 3:16-cv-

02787-WHO, Dkt. No. 446, at 19 (N.D. Cal. Jan. 30, 2019) (sealing confidential sales data because “disclosure would harm their competitive standing by giving competitors insight they do not have”); *Trotsky v. Travelers Indem. Co.*, 2013 WL 12116153, at *8 (W.D. Wash. May 8, 2013) (granting motion to seal as to “internal research results that disclose statistical coding that is not publically available”).

Moreover, if publicly disclosed, malicious actors may use such information to seek to compromise Google’s internal systems and data structures. Google would be placed at an increased risk of cybersecurity threats, and data related to its users could similarly be at risk. *See, e.g., In re Google Inc. Gmail Litig.*, 2013 WL 5366963, at *3 (N.D. Cal. Sept. 25, 2013) (sealing “material concern[ing] how users’ interactions with the Gmail system affects how messages are transmitted” because if made public, it “could lead to a breach in the security of the Gmail system”). The security threat is an additional reason for this Court to seal the identified information.

The information Google seeks to redact is the minimal amount of information needed to protect its internal systems and operations from being exposed to not only its competitors but also to nefarious actors who may improperly seek access to and disrupt these systems and operations. The “good cause” rather than the “compelling reasons” standard should apply but under either standard, Google’s sealing request is warranted.

IV. CONCLUSION

For the foregoing reasons, Google respectfully requests that the Court seal the identified portions of the Motion.

DATED: July 27, 2022

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Andrew H. Schapiro

Andrew H. Schapiro (admitted *pro hac vice*)
andrewschapiro@quinnemanuel.com
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
Telephone: (312) 705-7400
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)
stephenbroome@quinnemanuel.com

1 Viola Trebicka (CA Bar No. 269526)
2 violatrebicka@quinnemanuel.com
3 Crystal Nix-Hines (Bar No. 326971)
4 crystalnixhines@quinnemanuel.com
5 Marie Hayrapetian (CA Bar No. 315797)
6 mariehayrapetian@quinnemanuel.com
7 865 S. Figueroa Street, 10th Floor
8 Los Angeles, CA 90017
9 Telephone: (213) 443-3000
10 Facsimile: (213) 443-3100

11 Diane M. Doolittle (CA Bar No. 142046)
12 dianedoolittle@quinnemanuel.com
13 555 Twin Dolphin Drive, 5th Floor
14 Redwood Shores, CA 94065
15 Telephone: (650) 801-5000
16 Facsimile: (650) 801-5100

17 Josef Ansorge (admitted *pro hac vice*)
18 josefansorge@quinnemanuel.com
19 1300 I. Street, N.W., Suite 900
20 Washington, D.C. 20005
21 Telephone: 202-538-8000
22 Facsimile: 202-538-8100

23 Jomaire A. Crawford (admitted *pro hac vice*)
24 jomairecrawford@quinnemanuel.com
25 51 Madison Avenue, 22nd Floor
26 New York, NY 10010
27 Telephone: (212) 849-7000
28 Facsimile: (212) 849-7100

Jonathan Tse (CA Bar No. 305468)
jonathantse@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Attorneys for Defendant Google LLC